

**Advisory Council for the Education of Students with Disabilities  
Approved Minutes**

**January 11, 2010  
1252 Foster Avenue  
Hardison Building Auditorium  
Nashville, Tennessee 37243**

Members of the Council in Attendance

David Blier  
Dawn Bradley  
Paula Brownyard, Chair  
Samuel Cole  
Chip Fair  
Jeff Finney  
Winnie Forrester  
Janelle Glover  
Kyle Hauth

Cynthia Higginbotham, Vice-Chair  
Mary Donnet Johnson  
Catherine Knowles  
Beulah C. Oldham  
Fran Powers  
Sebrena St. John  
Jim Topp  
Darlene Walden

Members of the Council Not in Attendance

Pamela Burns  
Christine Lloyd-Burkes  
Sharmila Patel

Cindy Storey  
Shannon Taylor  
Tonya Watson

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)  
Linda Copas, TDE/DSE  
Steve Dugger, TN Department of Children's Services  
Gayle Feltner, TFE/DSE  
Joseph Fisher, TDE/DSE  
Larry Greer, TDE/DSE  
Ann Hampton, TDE/DSE  
Jessica Harbison, TDE/DSE  
Nathan Jackson, TDE/DSE  
Terry Long, TDE/DSE  
Nan McKerley, TDE/DSE  
Evans Murray, TN Office of Information Resources  
Ann Sanders-Eakes, TDE/DSE  
Steve Sparks, TDE/DSE  
Terry Wallis, TDE/DSE  
Mary Jane Ware, TN Department of Human Services/Division of Rehabilitation Services  
Bill Wilson, TDE/DSE

### Visitors in Attendance

Susan Dalton, TN Education Association (TEA)

Jackie Dowlen, Parent

Stanley Dowlen, Parent

Ned Solomon, TN Council on Developmental Disabilities

Patricia Valladares, STEP, Inc.

### Welcome

Paula Browyard, Chair, welcomed everyone to the meeting and then called the meeting to order. She proceeded to lead the Council members and guests in the Pledge of Allegiance.

### Acceptance of Agenda

The agenda was accepted as presented.

### Report from Subcommittee on Moving Away From the Use of “Mental Retardation”

Winnie Forrester, Subcommittee Chair, was introduced to present findings and letter of recommendation to the Council. According to their research, “there has been a growing trend to replace the label of ‘mental retardation’ with ‘intellectual disability.’” In November 2009, a bipartisan senate bill was introduced called Rosa’s Law, which will replace the old terminology in federal health, education and labor laws. As of December 21<sup>st</sup>, Rosa’s Law has 15 cosponsors in the Senate and the support of more than 30 national organizations. In early 2010, the Arc will launch a campaign to get a companion bill introduced in the House of Representatives. With the understanding that the bill will likely become law in 2010, the Subcommittee urged that the Council make a recommendation to the Department of Education to adopt the name change immediately, to “act proactively now and join other states in support of our children with intellectual disabilities.” Other national groups and organizations that work with this particular community have already adopted the term “intellectual disability,” along with five state’s Department of Education. Local agencies, such as The Arc of Tennessee, the Division of Rehabilitation Services, Tennessee Disability Coalition, Tennessee Council on Developmental Disabilities and the Down Syndrome Association of Middle Tennessee, all “support and appreciate our initiative to replace the outdated language.”

The Council members discussed the possible impact this change would have in areas like data reporting. Joseph Fisher, Assistant Commissioner of the Division of Special Education, explained that local education agencies (LEAs) would adopt the new language when communicating with the State or another district within the state. It would be up to the TDE/DSE to substitute the old language when reporting data on the federal level until the federal language is changed.

Bill Wilson, Staff Attorney for the Division of Special Education, explained that Tennessee Code Annotated would need to be amended, followed by the State Board of Education Rules & Regulations. The first step would be to create a draft, then to find a House sponsor and a Senate sponsor to initiate and carry the bill. The timeframe of the process through the legislature would be “fairly quick,” possibly by July 1. The State

Board process takes longer, approximately 8-9 months. The change would take effect as soon as the statute is changed, however, and the State Board Rules would “catch up.”

Paula called for a motion. Chip Fair moved that the Council promote a change in the legislature. The vote carried. A letter will be finalized and emailed to the Council members. Beulah Oldham volunteered to contact her House Representative and Fran Powers will contact her Senator.

### **APR Indicators**

Steve Sparks, Director of Professional Development for the TDE/DSE, handed out packets to the Members of the Advisory Council and the audience. James Topp requested that the materials be distributed to the Council members in advance of the meetings to allow time to review and familiarize themselves with the data. Terry Long briefly reviewed changes to the way some of the data has been collected and/or reported this year.

**Indicator 1 Graduation** – The State is transitioning from a specific special education exit collection to the use of the special education subgroup of the ESEA data. The ESEA graduation rate of 90% was not met and it could not be determined if the target increase of 1.5% occurred as the rate this year was calculated differently than last year’s making this rate a new baseline rate.

**Indicator 2 Drop out** – This area is also transitioning to the use of the special education subgroup of the ESEA data. The ESEA drop out rate of 10% was not met and it could not be determined if the targeted decrease of 1.5% occurred as the rate this year was calculated differently than last year’s making this rate a baseline rate.

**Indicator 3 Statewide Assessment** – Terry Wallis began by noting that we have “hit a threshold”; we are still gaining, however, not as quickly as before. a) Twenty-three of 45 school districts (51%) met the State’s AYP objectives, less than the 73% target. b) The participation rate for children with IEPs in statewide assessments for Reading/Language Arts and Mathematics was 99.3% overall. 99.2% participated in Reading and 99.4% in Mathematics (95% was the target for each). c) The percentage of children with IEPs scoring “proficient or above” against grade level standards and alternate achievement standards on statewide Reading Assessments was 78%, which missed the target of 79.4%. d) The percent of children with IEPs scoring “proficient or above” against grade level standards and alternate achievement standards on statewide Mathematics Assessments increased by .3% to 67.7%, which failed to meet the 68.6% target.

### **Approval of Minutes from October 26, 2009 Meeting**

Realizing that this agenda item had been overlooked, Paula asked for any comments or questions regarding the minutes of the previous meeting before continuing to the next Indicator. Kyle Hauth and Catherine Knowles both noted that they had been incorrectly listed as “Not in Attendance.” Hearing no other comments, a vote was taken to accept the minutes with these corrections. The vote passed and, once corrected, the minutes will be posted on the TDE/DSE website.

### **APR Indicators (continued)**

**Indicator 4 Suspension & Expulsion** – The number of LEAs identified with significant discrepancies decreased from 46 of 136 (34%) in 2006-2007 to 36 of 136 (24%) in 2007-2008. The State target (a 3.5% reduction) was met.

**Indicator 13 Part B Transition** – There were 94 findings of noncompliance related to this Indicator. All findings were corrected within one year of identification unless otherwise noted. Therefore, the target of 100% of youth aged 16 and above with an IEP will have coordinated, measurable annual IEP goals and transition services that will reasonably enable the student to meet post-secondary goals was met.

**Indicator 15 General Supervision** – The Department of Education has converted from a “systemic” method for reporting findings of noncompliance to a new method that will allow for reporting on an individual student basis. The current APR and possibly the next will continue to reflect reporting on the systemic basis. Correction of individual findings for 2009-2010 will be reported in 2010-2011. As of December 31, 2009, twenty-two districts have been monitored using the revised compliance monitoring procedures. In those districts, there have been 2203 findings of individual noncompliance and 264 findings of district-level noncompliance. Corrections will be verified for all findings of individual and district-level noncompliance and timeliness within 365 days or sooner is being documented by regional monitors.

**Indicator 16 Administrative Complaints** – 87 signed written complaints were received by the TDE/DSE and 54 reports were issued. Of the 54 reports issued, 44 were within the 60 day timeline and 10 were within extended timelines. 18 reports included findings of noncompliance, 9 complaints were pending at the end of the reporting period, 9 were complaints pending a due process hearing and 24 complaints were withdrawn or dismissed. The State met its target that 100% of signed written administrative complaints be resolved within the required timelines.

**Indicator 17 Due Process Hearings** – 49 due process hearing requests were received by the TDE/DSE. 2 due process hearing requests were fully adjudicated, 38 were resolved without a hearing and 9 were pending at the end of the reporting period. The State met its target that 100% of due process hearings have a written decision within the required timelines.

**Indicator 18 Due Process Resolutions Sessions** – 10 resolution sessions were conducted and 6 resulted in signed written agreements. This means that 60% of hearing requests that went to resolution sessions resulted in signed written agreements, which exceeded the 4% target.

**Indicator 19 Mediations** – 28 mediation requests were received by the TDE/DSE and 12 were not related to a due process hearing. Of the 12 that were not related to a request for a due process hearing, 10 resulted in agreements. Of the 6 mediations that were related to a request for a due process hearing, 5 resulted in agreements. 10

mediations were either pending or not conducted at the end of the reporting period. 83.3% of mediations reached an agreement within applicable timelines, which exceeded the target of 57.5%.

**Indicator 20 Timelines & Accuracy of Data & Reports** – The APR for 2008-2009 was submitted on the due date of February 2, 2009 as required. The standards set out for reporting state activities were met as required. The State will continue Improvement Activities, such as providing technical assistance to LEAs to ensure data accuracy.

The complete APR can be located at:

[http://www.tennessee.gov/education/speced/data\\_reports.shtml](http://www.tennessee.gov/education/speced/data_reports.shtml)

### **Other New Business**

The Council set a tentative meeting schedule as follows:

- April 12, 2010
- July 19, 2010
- October 11, 2010
- January 10, 2011

Paula reminded everyone that the Annual Special Education Conference is taking place February 24-26, 2010 at the Airport Marriott Hotel in Nashville.

The Council for Exceptional Children will be holding their annual conference in Nashville this year on April 21-24, 2010. Anyone interested in attending can contact Steve Sparks at the TDE/DSE or visit <http://www.cec.sped.org/content/navigationmenu/professionaldevelopment/conventionexpo/>

Paula also thanked Evans Murray for working the audio visual equipment.

The meeting was then adjourned.